C.J.'s Court

Writ Petition No. 824(S/B) of 2002

Chandra Shekhar Benjwal …….. Petitioner

Versus

State of Uttaranchal and others ……. Respondents

……

Hon. A.A.Desai, C.J.
Hon. Irshad Hussain.J.

Heard Sri R. Dobhal, learned counsel for the petitioner and learned C.S.C.

The petitioner was a Lecturer(Hindi) in Government Inter College, Chandrapuri, District Rudraprayag. After attaining the age of superannuation, he was due to retire in April, 2002. However, as per the Government policy his services were extended upto 30.06.2002 i.e. till the end of academic session. In the meanwhile, Government issued an order on 15.06.2002 raising the age of superannuation from 58 years to 60 years w.e.f. 1.6.2002.

Sri R. Dobhal, learned counsel for the petitioner urged that since his services were extended, he is entitled to the benefit of the G.O. dated 15.06.2002. Learned counsel emphasized that according to the policy of the Government during the period of extension of service, an employee is entitled to all benefits. As such, as a normal consequence while he was on extended service, he is also entitled to be superannuated on attaining the age of 60 years.

We are unable to agree with the submission of the learned counsel. Availing of services of a teacher till the end of academic session is for a purpose, which is elaborately explained by the circular dated 21.03.1984 and subsequent letters relied upon by the Sri Dobhal. Apparently, it is fortuitous and does not extend the period of employment. This extension can not

Be treated in legal parlance as a continuation of service. Moreover, it does not postpone the superannuation. The petitioner stood retired in April 2002. As such, the petitioner is not entitled to avail the benefit of the Government Order dated 15.06.2002 which was made effective from 1.6.2002.

Even otherwise, when the Government made policy to continue a teacher upto the end of academic session, whatever benefit then prevailing alone were admissible to such a teacher during the extended period. Sixty year as an age of superannuation was not under contemplation in 1984. The petitioner, therefore is to entitled to claim the said benefit.

We, therefore dismiss the petition.

(Irshad Hussain, J.) **(A.A.Desai, C.J.)**

Dt. 10.07.2002

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